

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIE JEMISON,

Petitioner,

Case No. 03-71781

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

SHARON BURT,

Respondent.

ORDER: (1) ACCEPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION; (2) DENYING PETITIONER'S MOTION, PURSUANT TO
28 U.S.C. §2255 TO SET ASIDE HIS GUILTY PLEA; AND (3) DENYING A CERTIFICATE OF
APPEALABILITY PURSUANT TO 28 U.S.C. §2253(c)

The Court has reviewed the Magistrate Judge's Report and Recommendation, filed on June 16, 2005 and any objections filed thereto.

IT IS ORDERED that the Report and Recommendation is accepted and entered as the findings and conclusions of this Court, and Petitioner's Motion, pursuant to 28 U.S.C. §2255 to set aside his guilty plea is DENIED. Further, pursuant to 28 U.S.C. §2253, the Court holds that a certificate of appealability shall not issue because this result is not debatable among reasonable jurists.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 5, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 5, 2005.

s/Jonie Parker
Case Manager